

# EXHIBIT 32

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY  
10 OF BOSTON,

11 Defendants

12  
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

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24 Reporter: Cynthia C. Henderson/RPR

46 (Pages 178 to 181)

Erin T. Withington - March 31, 2005

<p style="text-align: right;">178</p> <p>1 <b>Q. And nowhere in those other remarks do you</b>  2 <b>allege that or do you state, I should say, that Mr.</b>  3 <b>Hosseini was alleged to have touched Mr. Bavis in an</b>  4 <b>indecent manner on more than one occasion on an</b>  5 <b>unknown date in 2003; correct?</b>  6 A. Correct.  7 <b>Q. Do you still have your notes that you took</b>  8 <b>in the course of this investigation?</b>  9 A. I don't know. I am not sure.  10 <b>Q. What I will do is I will just make a</b>  11 <b>request through Rule 34 for those notes, and I just</b>  12 <b>ask if you do have those notes, we do intend to seek</b>  13 <b>a copy of them.</b>  14 A. Okay.  15 <b>Q. And we will do so through counsel.</b>  16 <b>(Arrest warrant for Mohsen</b>  17 <b>Hosseini marked Exhibit No. 19 for</b>  18 <b>identification.)</b>  19 <b>Q. And can you please identify what Exhibit 19</b>  20 <b>is?</b>  21 A. That's the arrest warrant for Mr. Hosseini.  22 <b>Q. That is the warrant that you sought and</b>  23 <b>received from the Boston Municipal Court?</b>  24 A. Yes.</p>	<p style="text-align: right;">180</p> <p>1 A. Yes.  2 (Warrant from the Boston Municipal  3 Court marked Exhibit No. 20 for  4 identification.)  5 <b>Q. After you received this warrant from the</b>  6 <b>Boston Municipal Court what did you do?</b>  7 A. Went to 900 Boylston Street to the Hynes  8 Convention Center, went upstairs, found Mr. Hosseini  9 on the trade floor, explained to him that he was  10 under arrest and that I asked him to walk out to the  11 elevator with us and he would be handcuffed in the  12 elevator. He said he would comply, no problem. I  13 believe he gave, asked somebody to give somebody a  14 call, walked over, spoke to somebody, came back and  15 said okay. We walked him out to the elevator. He  16 was handcuffed there and brought outside, put in a  17 wagon and brought to District 4.  18 <b>Q. When you spoke to Mr. Hosseini were you</b>  19 <b>alone with him?</b>  20 A. No. I believe Detective Barry and  21 Detective Lembo were with me.  22 <b>Q. Were there any other people other than you</b>  23 <b>three detectives and Mr. Hosseini present in the</b>  24 <b>room when you approached Mr. Hosseini and told him</b></p>
<p style="text-align: right;">179</p> <p>1 <b>Q. And on this warrant it states, the last</b>  2 <b>three lines, "A conviction of this offense requires</b>  3 <b>the offender to register in person at the police</b>  4 <b>department in the city or town where he or she</b>  5 <b>resides no later than two days from their sentencing</b>  6 <b>date."</b>  7 A. Yes.  8 <b>Q. Did you know that when you reapplied for</b>  9 <b>this warrant?</b>  10 A. Yes.  11 <b>Q. Is that provision, is that known as a</b>  12 <b>sexual assault registry?</b>  13 A. Yes.  14 <b>Q. Did you know that you were charging Mr.</b>  15 <b>Hosseini with an offense for which he would have to</b>  16 <b>register as a sexual offender when you sought this</b>  17 <b>warrant on March 22nd, 2004?</b>  18 A. Yes.  19 <b>Q. And the date of offense on this warrant is</b>  20 <b>December 22nd, 2003; correct?</b>  21 A. Yes.  22 <b>Q. And you have already testified that is</b>  23 <b>incorrect, it's not a date of offense. Is that</b>  24 <b>correct?</b></p>	<p style="text-align: right;">181</p> <p>1 <b>he was going to be placed under arrest?</b>  2 A. Yes.  3 <b>Q. Who?</b>  4 A. People, the laborers were working, and I  5 asked him to come to the side. He recognized me  6 when I came in. There was still people -- people  7 couldn't hear us, but they were still all in the  8 same open room and they were working, and I  9 explained to him that he was under arrest. He said  10 okay, walked back to someone else, and explained to  11 him that he was going with us and came back with us.  12 <b>Q. Did you show your badges when you</b>  13 <b>approached Mr. Hosseini?</b>  14 A. No. He recognized me.  15 <b>Q. Did you later learn that when you arrested</b>  16 <b>Mr. Hosseini you did so in front of the Teamsters</b>  17 <b>that worked under him?</b>  18 A. Mr. Hosseini wasn't officially arrested  19 until he was in the elevator, and it was just the  20 four of us.  21 <b>Q. Well, you told Mr. Hosseini to go into the</b>  22 <b>elevator, and he didn't have a choice; correct?</b>  23 A. No. He was under arrest.  24 <b>Q. Right in the middle of the floor before you</b></p>